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HOUSE BILL 335

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

INTRODUCED BY

Miguel P. Garcia

FOR THE LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE

AN ACT

RELATING TO HEALTH INSURANCE; REQUIRING CERTAIN LARGE EMPLOYERS
TO REPORT WHETHER THEY PAY THEIR FAIR SHARE OF EMPLOYEE HEALTH
CARE COSTS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. SHORT TITLE.--This act may be cited as the
"Fair Share for Health Care Act".

Section 2. DEFINITIONS.--As used in the Fair Share for
Health Care Act:

A. "employee" means an individual employed by an
employer such that the employer pays social security
withholding, unemployment insurance or workers' compensation
insurance for the individual;

B. "employer" means a person, or an officer, agent
or employee of that person, who has control of the payment of

1 wages to an employee in New Mexico and who is doing business in
2 or deriving income from sources within the state and has ten
3 thousand or more employees nationwide, except that "employer"
4 does not include the federal or state government or a political
5 subdivision of the state or another state;

6 C. "fair share" means a minimum of ten percent of
7 wages spent for total employee health insurance costs;

8 D. "health insurance costs" means the amount paid
9 by an employer to provide health care or health insurance to an
10 employee to the extent that the costs may be deductible by the
11 employer under federal tax law and includes payments for
12 medical care, prescription drugs, vision care and medical
13 savings accounts;

14 E. "secretary" means the secretary of human
15 services; and

16 F. "wages" means remuneration in cash or other form
17 of payment for services performed by an employee for an
18 employer.

19 Section 3. REPORTING.--An employer shall:

20 A. on January 1, 2008 and annually thereafter, make
21 a report of statistical data on its employee health care
22 coverage, using both national and New Mexico data, to the human
23 services department on a form approved by the secretary that
24 includes:

25 (1) the total number of employees on one day

underscored material = new
[bracketed material] = delete

1 selected by the employer in the year immediately preceding the
2 previous calendar year;

3 (2) the total amount spent by the employer in
4 the year immediately preceding the previous calendar year on
5 health insurance costs for all its employees;

6 (3) the total wages paid to its employees in
7 the year immediately preceding the previous calendar year;

8 (4) the total dollars spent on health care
9 costs in the previous year expressed as a percentage of wages;

10 (5) a summary of the employer's policy on
11 health care coverage eligibility for its employees; and

12 (6) the total employer cost for wages and
13 health insurance benefits for its highest-paid employee
14 nationally and in New Mexico; and

15 B. submit the report pursuant to Subsection A of
16 this section signed by the principal executive officer or the
17 person performing a similar function with an affidavit under
18 penalty of perjury that the information reported was reviewed
19 by the signing officer and is accurate.

20 Section 4. SECRETARY--DUTIES.--The secretary shall
21 report annually to the governor on or before March 15 of each
22 year, in a publication titled "Fair Share for Health Care", the
23 name of each employer and:

24 A. the exact number of employees employed by the
25 employer;

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